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In re Application of : **OFFICE OF PETITIONS**
Husemann. :
Application No. 10/542,226 : DECISION ON PETITION
Effective Date: July 14, 2005 :
Docket No.: 101769-320 KGB :

This is a decision on the petition under 37 CFR 1.181, filed September 8, 2006, to withdraw the holding of abandonment.

The petition is GRANTED.

The application was held abandoned for failure to timely submit a properly reply to the Office communication mailed January 9, 2006. The Office communication set a two month shortened statutory period of time for reply. Notice of Abandonment was mailed August 18, 2006.


Petitioners assert that a reply to the Office communication was timely filed via facsimile on March 8, 2006, and, further, have included a copy of the reply purported submitted as well as a copy of USPTO Auto-Reply Facsimile Transmission. Moreover, the copy of the reply bears a certificate of mailing date of March 8, 2006 in accordance with 37 CFR 1.8.

In view thereof, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-3205.


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